

kids? And before the Senator from Oregon says, "Who knows who the child molesters are," well, the Department of Justice and every State department of justice knows who the child molesters are in their prisons.

Let's take the money that the Democrats want to send to child molesters, and let's take it from the child molesters and give it to the victims of crimes, the kids who have been molested. This is as simple a legislative choice as I can imagine.

Mr. President, as in legislative session, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 931, introduced earlier today. I further ask that the bill be considered read a third time and passed and that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Is there objection?

Mr. WYDEN. Reserving the right to object, Mr. President.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, once again, our colleague from Texas is offering an idea that would disrupt the system in a way that would keep millions and millions of Americans who are hurting from getting help in a timely way. He has come back with, essentially, one version after another because he thinks that, somehow, this is the kind of sensational idea that will cause people to rally to his side.

I believe what he has been proposing—now, I gather, four times—is so disruptive, so unworkable that it is going to hurt the millions of people whom this Congress wanted to help, and that is what the Senator from Texas has sought to do from the very beginning. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. CRUZ. Mr. President, there is an old saying that you don't learn anything from the second kick of a mule.

The first time the Senator from Oregon said that I sought to disrupt stimulus payments, perhaps he did so because he didn't know my views on that topic, but he has since been corrected that I voted for stimulus payments to American citizens in the time of economic crisis and didn't oppose them. So he is now repeatedly stating falsehoods, knowing that they are false.

You know, all of us were there when Joe Biden gave his inauguration speech making a call to unity, making a call to healing, and there was a chance we could have done that. On COVID relief, you don't have to ask theoretically. Last year, when Republicans had control of the Senate, we passed five bipartisan COVID relief bills, coming together with overwhelming bipartisan majorities.

The Democrats decided, when they took control, they didn't want to do that. You want to know just how far out of touch and how radical today's Democratic Party is? We have seen the

Democrats now say we will send taxpayer stimulus checks to millions of illegal immigrants. We have seen Democrats say we will send the taxpayer stimulus to criminals in prison. We have seen the Democrats say we will send the taxpayer stimulus checks to murderers in prison. We have seen them say we will send the checks to rapists in prison. And we now just saw them say we will send the checks to child molesters in prison.

It should be the essence of common sense to say don't give this money to violent criminals; give it to victims of crime instead. In a sane world, that would be a hundred-to-nothing proposition.

I challenge any one of you in the brightest of blue States: Go home and explain to your constituents that you refused to take the money from child molesters and give it to the victims of that crime. That is the position of every Democrat in this Chamber because every single Democratic Senator was the deciding vote rejecting the amendment on the floor.

It is unfortunate just how extreme the hard left is right now, but it is far out of touch with the American people, and it has long abandoned any semblance of common sense.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Here is what we are for. We are for making sure that needy people get help to pay for groceries and make rent rather than have one of our colleagues come out with something that is unworkable and disruptive and is going to keep those people from getting help. That is what this debate is all about, something that is unworkable.

I read the direct comment from the IRS with respect to not having the information or getting help to people who are hurting.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CRUZ. Mr. President, the Senator from Oregon suggested that the concern of the Democrats is to get taxpayer funds to needy people. People currently incarcerated are not needy. The Senator from Oregon said we need to help Americans struggling with rent. You know what? People currently incarcerated pay zero in rent. They don't have rent costs.

So the argument of the Democrats is: We don't know who the criminals are who are currently in jail. That does not comport with reality, and any fair-minded person watching this knows that.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

STUDENTS FOR FAIR ADMISSIONS V. HARVARD

Mr. KENNEDY. Mr. President, I am sure you have been to Paris. The architect, as you undoubtedly know, who designed the Louvre's iconic glass pyramid was actually an American. He

was an Asian American. His name was I.M. Pei. Mr. Pei emigrated from China to the United States in the 1930s.

By the time he passed at the age of 102, he had designed a number of famous buildings. He had done that all across the world, including on U.S. soil, including the John F. Kennedy Presidential Library.

America is proud of Mr. Pei. He is just one of millions of Asian Americans whose talents have helped America continue to be an exceptional nation, a nation made up of exceptional people who take advantage of all of the opportunities that these United States have to offer.

The contributions of individual Asian Americans have helped our country pioneer—and the Presiding Officer knows this—advances in architecture, in medicine, in art, and in technology. But, more than that, Asian Americans are our friends, and they are our neighbors.

The recent murder of Asian-American women in an evil assault in Atlanta was an assault not just on the Atlanta community but on the United States of America. President Biden has correctly denounced these attacks, and he is not alone.

I know the Presiding Officer can join me in this. I condemn these evil murders in the strongest possible terms. No one can justify—no one—the brutal theft of eight lives. Every community—every single one—across our country is grieving for the victims and is grieving for the families.

These victims were all made, they were each made, in God's image, and Americans know that. I also feel the same way about the shooting in Boulder. We all do.

America pioneered government that is based on inalienable rights that God gives each person. God has imbued every man and woman with dignity, and Americans answer that dignity with respect, respect for each individual and their right to make the most of the manifold opportunities our country offers.

Unfortunately, President Biden's rhetoric in defense of the Asian-American community is not altogether matched by respect for the right of Asian Americans to reap the reward of their talent and grit.

The Biden administration, thus far—it has time to correct its course—has shown and did show right out of the gate a determination to stick its head in the sand while some of America's top universities are actively discriminating against Asian Americans.

Last year, as the Presiding Officer knows, the Justice Department sued Yale University. The Justice Department contended that Yale rejected many qualified Asian-American applicants on the basis of race—not on the basis of qualification, on the basis of race.

The decision by the Justice Department came 2 years after several Asian-American organizations filed a complaint with the Department of Justice

and the Department of Education that accused Yale of what I just described: racial discrimination.

Yet only a few weeks—only a few weeks after President Biden set up shop in the Oval Office, the Department of Justice withdrew its own lawsuit based on racial discrimination against Yale University, and that is an actual fact. Watch what we say, not what we do.

Unfortunately, Harvard University also seems determined to discriminate against Asian-American applicants. In 2014, Students for Fair Admissions sued Harvard, claiming that the school was using an application system that intentionally reduces the number of Asian Americans through evaluations that are subjective and potentially racially biased.

You see, Harvard apparently believes it knows how to discriminate in the right way. It believed the same thing a number of years ago when it limited the number of Jewish people who could attend Harvard.

When Harvard considers an applicant, the school doesn't just look at their grades or their test scores or their academic awards. In fact, the admissions team at Harvard often looks past these objective indicators to a student's—this is what Harvard calls it—personal ratings, which is an unfair, ridiculous, and a subjective standard.

These personal ratings, as Harvard calls them, supposedly take into account character traits like humor, sensitivity, helpfulness, and courage. For years, Harvard has consistently granted lower personal ratings scores to Asian Americans than it has to other applicants, and that, too, is a fact.

The judge in the Students for Fair Admissions' lawsuit wrote the following:

The data demonstrates—

These are the judge's words, not mine.

The data demonstrates a statistically significant and negative relationship between Asian American identity and the personal rating assigned by Harvard admissions officers, holding constant any reasonable set of observable characteristics.

I didn't say that; the judge in the case did.

Now, I want to be fair. It may look smart or wise for Harvard to look for well-rounded applicants—I get that—until you realize and think about that these personal ratings are not just subjective; they are subversive. If you think about it, the scores, these scores—they are not objective like test scores or grades or extracurricular activities; these personal ratings are value judgments that can easily be tainted by racial bias. It is clear that the personal ratings minimize the accomplishments of Asian Americans in particular.

Just look at the numbers. Harvard's admission scores work like this: They use a scale of 1 to 6. One is the strongest possible rating. When it comes to personal ratings—remember, this is the

subjective analysis of the personhood of the applicant by Harvard, not the test scores, not the grades, not the extracurricular activities. When it comes to personal ratings, only 17.6 percent of Asian-American applicants receive a score of 1 or 2—17.6 for Asian Americans. For African Americans, that number is 19.01 percent. For Hispanic Americans, it is 18.7 percent. In fact—and these are the numbers—Harvard gives Asian Americans the weakest personal ratings of any ethnic group, bar none.

Harvard admissions officials have reportedly handed out these scores without even interviewing all of the candidates in question—personal ratings without interviewing the applicants. This happens now despite the fact that Asian Americans have the highest grades and test scores. So on the objective criteria—test scores, grades—Asian Americans have the highest scores. What pulls them down? The personal ratings.

Harvard officials admitted in 2013 that if Harvard considered only academic achievement, then proportional Asian-American representation that year would have doubled. Think about that. If Harvard went on the objective criteria—extracurricular activities, grades, test scores—twice as many Asian Americans would have been admitted to the university. Why weren't they? Because of the personal ratings. They call it “personal” even though many of the applicants are never even interviewed.

The Department of Justice has historically supported the Students for Fair Admissions lawsuit. In 2018, the Justice Department filed a statement of interest in the case. Last year, the Justice Department filed an amicus brief in the case. A Federal judge ruled against the plaintiffs in 2019 in the case. The U.S. Court of Appeals for the First Circuit upheld that decision last November—this despite the fact that the Federal district court judge in the case openly acknowledged that Harvard grants lower personal ratings scores to Asian-American applicants.

The fruits of Harvard's policy are pretty clear. You don't have to be Mensa material to figure this out. The Ivy League school has repeatedly rejected highly qualified Asian-American candidates because of their race.

But there is still hope for justice for our Asian-American students. The Supreme Court may well take up this case, and the White House could defend the cause of merit against Harvard's alleged racial discrimination.

So let me say this as clearly as I can. If President Biden—if the Biden team is committed to fighting racial discrimination against Asian Americans, if President Biden and his team want to lift up Asian Americans, as they say they do, it is not hard to see how countering racist policies within the privileged halls of Harvard—a school that receives Federal dollars—it is not hard to see how supporting that litigation

must be part of President Biden's commitment. So today, with all the respect I can muster, I am calling on President Biden and his Justice Department to support the Asian-American students who have brought their case against Harvard.

Harvard is an extraordinary school. Nothing I say is meant to denigrate the quality of that great university. But being a pillar of higher education doesn't mean that Harvard is above the law. I.M. Pei attended Harvard in the 1940s. Who knows if they would accept him today because of his personal rating. You know, that is a shame, and it shouldn't stand.

President Biden should stand up for the rights of Asian Americans to be treated fairly by America's schools. His Justice Department should support this lawsuit.

To be is to act. All we are is the sum of our actions. Everything else is just conversation. Don't just talk about supporting Asian Americans; do it. Do it. Please don't be selective in the reality you choose to accept.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. TESTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TESTER. Mr. President, I ask unanimous consent that the remaining cloture motions filed during the session of the Senate on Thursday, March 18, ripen at 11:30 a.m., tomorrow, Wednesday, March 24.

The PRESIDING OFFICER. Without objection, it is so ordered.

VOTE ON MURTHY NOMINATION

Mr. TESTER. Mr. President, I yield back all time and ask for the yeas and nays.

The PRESIDING OFFICER. Without objection, all postcloture time has expired.

Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 57, nays 43, as follows:

[Rollcall Vote No. 131 Ex.]

YEAS—57

Baldwin	Hickenlooper	Portman
Bennet	Hirono	Reed
Blumenthal	Kaine	Romney
Booker	Kelly	Rosen
Brown	King	Sanders
Cantwell	Klobuchar	Schatz
Cardin	Leahy	Schumer
Carper	Lujan	Shaheen
Casey	Manchin	Sinema
Cassidy	Markey	Smith
Collins	Marshall	Stabenow
Coons	Menendez	Sullivan
Cortez Masto	Merkley	Tester
Duckworth	Murkowski	Van Hollen
Durbin	Murphy	Warner
Feinstein	Murray	Warnock
Gillibrand	Ossoff	Warren
Hassan	Padilla	Whitehouse
Heinrich	Peters	Wyden